

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Perma-Fix of Dayton, Inc.
300 South West End Avenue
Dayton, Ohio 45427

ATTENTION: Douglas McLain
Facility Manager

Request to Provide Information Pursuant to the Clean Air Act

The United States Environmental Protection Agency (EPA) is requiring Perma-Fix of Dayton, Inc. (Perma-Fix or you) to submit certain information about your facility at 300 South West End Avenue, Dayton, Ohio. Appendix A specifies the information that you must submit. You must send this information to us within 15 days calendar days after you receive this request unless otherwise stated in Appendix A.

We are issuing this information request under section 114(a) of the Clean Air Act (the Act), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Perma-Fix owns and operates an emission source at your Dayton, Ohio facility. We are requesting this information to determine whether your emission source is complying with the Clean Air Act.

You must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

With copies to the Regional Air Pollution Control Agency and the Ohio Environmental Protection Agency as follows:

D. Curtis Marshall
Unit Supervisor
Regional Air Pollution Control Agency
117 S. Main Street
Dayton, Ohio 45422

and

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
PO Box 1049
Columbus, Ohio 43216

You may consider the information confidential that you submit to us. You may assert a claim of business confidentiality for any portion of the submitted information under 40 C.F.R. Part 2, Subpart A. Appendix B specifies the assertion and substantiation requirements for business confidentiality claims.

Perma-Fix must submit all requested information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am

aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to section 113(c)(2) of the Act, and 18 U.S.C. §§ 1001 and 1341.

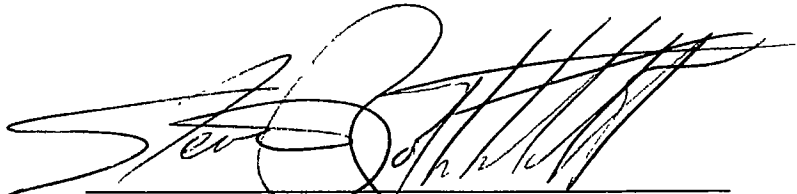
We may use any information submitted in response to this request in an administrative, civil, or criminal action.

This request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation. To aid in our electronic record keeping efforts, please provide your response to this request for information without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

Failure to comply fully with this request for information may subject Perma-Fix to an enforcement action under section 113 of the Act, 42 U.S.C. § 7413.

You should direct any questions about this request for information to Brian Dickens at (312) 886-6073.

4/27/2005
Date



Stephen Rothblatt, Director
Air and Radiation Division

Appendix A

Perma-Fix of Dayton, Inc.

Please provide the following information pertaining to Perma-Fix's Information Request response to U.S. EPA dated March 17, 2005. Perma-Fix's response included a report from Mr. Lial Tishler and a letter from Mr. Tom McGowan that made conclusions regarding emissions from the Perma-Fix plant that were based on Mr. Tishler's Water9 modeling.

1. It appears Mr. McGowan failed to include emissions from the SBR in his calculation of the plant-wide potential to emit. Provide the emissions from the SBR, in tons per year, and explain how Perma-Fix determined this rate of emission.
2. Provide a list and a narrative description of how Perma-Fix arrived at a total plant-wide potential to emit of 19.38 tons per year.
3. Justify why Perma-Fix stated the biomass concentration of the bioreactors to be 9000 mg/l when Perma-Fix had on two separate occasions stated the value to be approximately 5000 mg/l. Provide any and all lab reports, logs or any other documents since November 17, 2000 that were generated by Perma-Fix or its contractors that state the biomass concentration in the bioreactors.
4. Explain the difference between the "Inlet" and "Inlet Before Heel" organic material concentrations in Mr. Tischler's report. State which concentrations were used as inputs to Water9 and why.
5. Provide all documents that support Perma-Fix's claim that the emissions from the bioreactors and the biodegradation rate are directly proportional, as Mr. McGowan claims in his letter. Provide any and all modeling Perma-Fix has in its possession as of the date of receipt of this request that estimates emissions from the bioplant using a biodegradation rate that is higher than the default value in Water9.
6. Provide all protocols, procedures, results, analyses, equipment lists, logs, calculations, estimates, and any other documents concerning Perma-Fix's attempts to quantify air emissions from its facility from April 5, 2005 through one year from your receipt of this information request. You must include all information requested herein, be it complete or partial, official or unofficial, final or draft, valid or invalid. You must submit any document within 30

days after the date of its generation. You must identify the source and the persons party to each document.

7. For the purpose of this request, the term "documents" includes originals and drafts, whether printed or reproduced by hand or otherwise, or whether existing in hard copy or in a computer database, disk, or drive, and includes, but is not limited to, correspondence, letters, memoranda, notes, inter- or intra- office, agency, or departmental communications of any type (including electronic mail or "e-mail"), records, permits, summaries of personal or telephone conversations or interviews, agreements, meeting minutes, contracts, purchase orders, invoices, reports, charts, statistical statements, studies, project descriptions, tables, calculations, diagrams, plans, drawings, blueprints, work orders, and opinions or reports of consultants, experts, or engineers.

Appendix B

Confidential Business Information (CBI) Assertion and Substantiation Requirements

A. Assertion Requirements

You may assert a business confidentiality claim covering all or part of the information requested in the attached letter, as provided in 40 C.F.R. §2.203(b). To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document over which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a legend to indicate the intent to claim confidentiality. The stamped or typed legend, or other suitable form of notice, should employ language such as "trade secret" or "proprietary" or "company confidential" and indicate a date if any when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by the United States Environmental Protection Agency (EPA) only to the extent permitted and by means of the procedures set forth by Section 114(c) of the Clean Air Act (the Act), and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise nonconfidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the attached letter as a waiver of that claim, and the information may be made available to the public without further notice to you.

Please segregate personnel, medical and similar files from your responses and include that information on separate sheet(s) marked as "Personal Privacy Information" given that disclosure of such information to the general public may constitute an invasion of privacy.

B. Substantiation Requirements

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. §2.208 which provides in part that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; and that the information is not and has not been reasonably obtainable by legitimate means without your consent.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking you to substantiate fully your CBI claim. You must provide EPA with a response within the number of days set forth in the EPA request letter. Failure to submit your comments within that time will be regarded as a waiver of your

confidentiality claim or claims, and EPA may release the information. EPA will ask you to specify which portions of the information you consider confidential. **You must be specific by page, paragraph, and sentence when identifying the information subject to your claim.** Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being subject to CBI, you must answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question #1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between

disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Any other issue you deem relevant.

Please note that emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2. "Emission data" means, with reference to any source of emission of any substance into the air-

Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration, or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including, to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. §§ 2.301(a)(2)(i)(A), (B) and (C).

Emission data includes, but is not limited to, service records stating the amount of refrigerant added to a unit or reclaimed from a unit.

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by, and by means of the procedures set forth in, 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by Certified Mail, Return Receipt Requested, to:

Douglas McLain
Facility Manager
Perma-Fix of Dayton, Inc.
300 South West End Avenue
Dayton, Ohio 45427

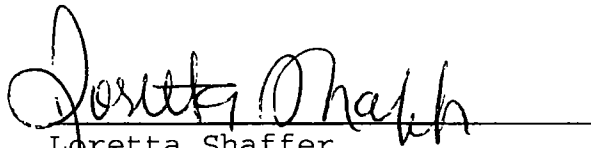
I also certify that I sent a copy of the Request to Provide Information Pursuant to the Clean Air Act by First Class Mail to:

D. Curtis Marshall
Unit Supervisor
Regional Air Pollution Control Agency
117 S. Main Street
Dayton, Ohio 45422

and

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
PO Box 1049
Columbus, Ohio 43216

on the 29th day of April 2005.


Loretta Shaffer
AECAS (MN/OH)

Certified Mail Receipt Number: 7001 0320 0005 9025 6879